

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

JASON HOLLOWAY

PLAINTIFF

v.

CIVIL NO. 5:21-cv-00063-KS-RHWR

**WARDEN SCOTT MIDDLEBROOKS,
*et al.***

DEFENDANTS

ORDER SETTING OMNIBUS HEARING

Plaintiff is inmate proceeding pro se and in forma pauperis, who filed this suit alleging that his constitutional rights were violated while he was incarcerated at Wilkinson County Correctional Facility in Woodville, Mississippi. An omnibus hearing will be held that shall operate as a *Spears* hearing¹ and a case management hearing. The Prison Litigation Reform Act (PLRA), Pub. L. No. 104-134, 110 Stat. 1321, H.R. 3019 (codified as amended in scattered titles and sections of the U.S.C.), applies and provides that “the Court shall dismiss the case at any time if the court determines that . . . the action . . . (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. § 1915A(b); *see* 28 U.S.C. § 1915(e)(2)(B). At the omnibus hearing, the Court will require Plaintiff to elaborate on his claims so that it may be determined whether any portion of his case should proceed.

IT IS, THEREFORE, ORDERED:

¹ *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985).

1. That the parties will appear for an omnibus hearing before the undersigned Magistrate Judge at **THE UNITED STATES COURTHOUSE, 109 SOUTH PEARL STREET, NATCHEZ, MISSISSIPPI, on the 20th day of September, 2022 at 1:30 p.m.**
2. At the omnibus hearing, Plaintiff shall be prepared to make a full statement of each and every claim he is pursuing and explain why he is suing each Defendant.
3. Any motions for summary judgment for failure to exhaust remedies shall be filed no later than fourteen days prior to the omnibus hearing and will be heard at the hearing. At the omnibus hearing, the parties should be prepared to discuss any pending motions.
4. The parties shall bring to the omnibus hearing discovery regarding any nonprivileged matter that is relevant to the parties' claims or defenses and proportional to the needs of the case. Medical records, incident reports, and administrative remedy documents pertinent to the claims alleged shall be provided. If discovery is withheld for reasons of privilege or institutional discipline or security, a privilege log must be served setting forth the reason for withholding the discovery, and the discovery must be made available to the Court upon request. If security interests can be addressed by redacting a portion of the discovery, the redacted portion shall be produced to Plaintiff.

5. Joinder of parties and amendments to the pleadings will not be allowed after the omnibus hearing, absent a demonstration of good cause.
6. The Clerk of Court is directed to issue a writ of habeas corpus ad testificandum for Plaintiff to be present at this proceeding.
7. Plaintiff is advised that it is his duty to prosecute this case. A failure to prosecute, obey orders of the Court, or keep the Court informed of a current address may result in dismissal of this lawsuit, as permitted by Federal Rule of Civil Procedure 41(b) and under the Court's inherent authority to manage its docket.

SO ORDERED, this the 8th day of July, 2022.

s/ Robert H. Walker

ROBERT H. WALKER
UNITED STATES MAGISTRATE JUDGE